

THROUGH THE STATE.

THE BIG BLOW WEDNESDAY ON THE PENINSULA.

A Touch of It at Williamsburg.

Further Particulars of the Damage in York County—Other Virginia News.

WILLIAMSBURG, VA., July 9.—(Special)—A cyclone passed across the front grounds of the college yesterday evening about 6 o'clock, doing some damage to the beautiful shade-trees on the campus. The storm then took a northeasterly course, out through York county, and destroyed a number of houses, leveling fences, crops, and trees in its path. The residence of Mr. W. D. Schenck was damaged, and the residences of Messrs. William Whiting and John Fox, near Holymoore, in York county, were destroyed.

TERRIBLY FRIGHTENED.

A number of persons residing in the eastern part of the town saw the clouds and were terribly frightened, thinking we were going to be visited by a genuine St. Louis cyclone. The damage to the crops in York is considerable, and much valuable timber was blown down.

LAND-SALE.

That well-known estate in James City, known as Tascania, containing 1,200 acres, has just been sold to New York parties for \$13,500. The farm was owned by Reynolds & Brother, of Richmond, now of New York, and will be converted into a dairy-farm. The papers in the sale were drawn by Judge R. L. Henley.

Lieutenant B. B. Harwood, and Messrs. James and Joe Brown, of Uniontown, Ala., with Mr. John E. Graves, of Petersburg, were here yesterday, the guests of Mr. R. L. Henley.

Mr. Richard Blodget, son of Colonel Blodget, of Richmond, is here, visiting relatives.

SUPREME COURT OF APPEALS.

A Number of Opinions Handed Down Yesterday.

WYTHEVILLE, VA., July 9.—(Special)—The following opinions were handed down in the Supreme Court of Appeals to-day:

Nickels and others vs. the People's Building, Loan, and Savings Association, Opinion by Judge Keith. From the Circuit Court of Wise county. Affirmed.

The People's Building, Loan, and Savings Association is a New York corporation doing business in Virginia. Nickels subscribed to thirty shares of its stock, and received \$200. He executed his bond secured by deed of trust for \$3,000, then paying a bonus of \$200, he contracted in addition to pay interest, and principal, and interest monthly. Upon default for three months in these payments the whole debt, principal and interest, became due. Default being made, the trustee refused to execute the trust, thereupon the corporation filed its bill. Defendant demurred: First, upon the ground that plaintiff had not averred compliance with the conditions imposed by statute upon foreign corporations doing business in the State. Secondly, that it was agreed that the bond and deed making the whole debt due upon failure to pay instalments of premiums and interest was a forfeiture against which equity would relieve. Third, that the suit was prematurely brought, the default not having continued for three months next preceding its institution. Fourth, that upon the merits it appears that it was a Virginian contract and jurisdiction according to the law of the State. Held: That the court erred, the defendant was not well taken. It is unnecessary to aver in the bill compliance with the statutes prescribing the conditions upon which a corporation may do business in the State. It is a matter of defense and must be availed and pleaded by the defendant. No such issue being raised in the pleadings in this case, the question cannot be considered. Second, the vision of the court is that the whole principal claim due to not a forfeiture according to the modern doctrine of a court of equity. It is settled by overwhelming weight of authority that if a certain sum is due and secured by bond and mortgage, made payable at some future day specified, with interest thereon payable at fixed times, and a further stipulation provides that in case of default or prompt payment of instalments of interest the entire principal will become payable at such a stipulated time in the future, the debt will, but will be sustained in equity as well as at law. Third, the motion to dismiss as being prematurely brought was properly overruled. It appearing that default had continued for more than three months. Fourth, upon the merits it is held that the transaction grew out of a contract made in Virginia, but to be performed in New York, and therefore governed by the laws of the latter State. Where a contract is made in one State and to enter into another State to be performed in another, it is, as a general rule, to be governed by the laws of the place of performance, without regard to the place at which it was written, signed, or dated, in respect to its nature, interpretation, validity, and effect. By the laws of the State of New York the contract in question, though it authorizes the association to receive premiums during and after the excess of the annual rate of interest, is not void. While, therefore, the court is of opinion that such contracts are unwise and improvident, yet so long as foreign corporations are authorized by the States which create them to make such contracts and are permitted by this State to do business within its borders, the courts have no choice but to enforce them.

Bethel & Co. vs. Salem Improvement Company, Opinion by Judge Keith. From the Circuit Court of Roanoke county. Affirmed.

Coldren et al., vs. Asheville Shoe Company, Opinion by Judge Riley. From the Circuit Court of Lee county. Reversed.

A RAILROAD CASE.

Russell vs. the Louisville and Nashville Railroad Company. Opinion by Judge Cardwell. From the Circuit Court of Lee county. Reversed. The plaintiff brought his action on the case to recover of the defendant railroad company a penalty, by virtue of section 122 of the Code, and the failure of the defendant to comply with the provisions of that section for 170 days, relative to two cattle-guard posts that plaintiff should be compelled to set up on the defendant's privately designated points within plaintiff's enclosed land. The defendant denied plaintiff's declaration, and the court below by its ruling, excluding certain testimony, in effect, sustained the demurser, on the ground that section 122 does not apply to private crossings.

Held: That it was an error in the lower court to exclude the evidence referred to, and in effect to sustain the demurser for the reasons stated; that the demurser should have been sustained solidly upon the ground that the plaintiff had brought an action on the case to recover of a penalty prescribed by statute, no part of which accrues to the Commonwealth; but that the common law action of debt is the proper action to recover such a penalty.

OTHER CASES.

Persinger's Administrator vs. Chapman. Opinion by Judge Cardwell. From the Circuit Court of Roanoke county. Reversed.

Simmons vs. Palmer. From the Circuit Court of Roanoke. Opinion by Judge Keith. Affirmed.

Slocum vs. Compton. From the Circuit Court of Buchanan county. Opinion by Judge Buchanan. Affirmed.

Frost et al. vs. Jackson Brothers. From the Circuit Court of Roanoke county. Opinion by Judge Buchanan. Reversed.

White et al. vs. Powell Investment Company. From the Circuit Court of Roanoke. Appeal and superseded, Bond, \$300.

Mashburn's Administrator vs. Chesapeake and Ohio Railway Company. From the Circuit Court of the city of Richmond. Writ of error refused.

Scott et al. vs. Logan et al. From the Corporation Court of the city of Radford. Appeal refused.

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APPOMATTOX DEMOCRATS.

Delegates to the Congressional Convention Elected—Flood Endorsed.

WEST APPOMATTOX, VA., July 9.—(Special)—There was a large turnout of Democrats to-day to attend the mass-meeting to elect delegates to the congressional convention at Amherst Courthouse on July 20th. The meeting was called to order by County-Chairman Joseph Button. Mr. J. K. Hannah was elected chairman of the meeting, and Mr. L. E. Smith secretary.

The old war-house of Democracy, Captain T. W. Johns, who has voted the Democratic ticket for fifty-eight years, offered the following resolution, which was unanimously adopted:

"Resolved by the Democrats of Appomattox in mass-meeting assembled, That we favor the free coinage of silver at the ratio of 16 to 1, without awaiting the action of Congress, and that we do hereby instruct the delegates to the congressional convention to be held at Amherst Courthouse on July 20th to vote for no candidate for the Democratic nomination who does not entertain these views, and who is not in earnest and at heart for them. We are unalterably opposed to a change of ratio, believing that such change would impair, if not destroy, the cause of free silver. Believing that our countrymen, Hon. H. D. Flood, and others, have instructed their delegates to support him for said nomination as long as his name is before the convention."

The following delegates were elected:

Clover Hill District—Joseph Button, S. L. Ferguson, E. P. Sears, R. W. Beale, R. A. O'Brien and W. J. Trent.

Southside District—Dr. D. Mott, Robertson, R. F. Burke, W. H. Lewis and J. L. Davis.

Emporia—H. E. H. H. Stratton, C. S. Stratton, Judge E. A. Christian, Charles F. Button, Milton Isbell, and J. A. Owen.

Mr. Joseph Button, having been elected chairman of the Tenth District Committee, resigned as county chairman, and Mr. S. L. Ferguson, a prominent young attorney, was elected to succeed him.

RALEIGH'S BUDGET.

NEWS NOTES GATHERED AT NORTH CAROLINA'S CAPITAL.

DAMAGE from the Heavy Rains.

Nichols and Congressional Aspirations—The Vance Monument Fund.

State Collection of Gems-Briefs.

RALEIGH, N. C., July 9.—(Special)—The heavy rains ended this morning. The total fall was over three inches here. The larger streams are rising rapidly. Considerable damage is done to lowland crops. Some bridges have been washed away, and a few dams broken. The tobacco crop has suffered some injury.

It is quite broadly intimated that John Nichols will, after all, come out as the Republican candidate for Congress in this district. His friends say N. C. English, the nominee, is trying to play a double game. In other words, English, who really desires to be State Superintendent of Public Instruction, is holding on to the congressional nomination until he can see what his prospects are for the other. But the Republicans propose, they say, to make him show his colors.

The direction of the North Carolina railway at their meeting yesterday re-elected all old officers.

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EMPORIA.

Improving—The Rains—Personal and General.

EMPORIA, VA., July 9.—(Special)—The condition of Mr. B. H. Pair, who fell from the balcony of the Central Hotel yesterday, is much more favorable to-day.

The recent heavy rains have caused washouts on both the Atlantic-Coast Line and the Atlantic and Danville railroads.

Be it said to the credit of this county that there is no criminal case now pending on the dockets of the County Court, and but few prisoners in jail.

Professor Richard W. Jones, a native of this county, together with his family, is visiting relatives in the University of Mississippi at Oxford, Miss. He was a very gallant officer during the late war, and at its close was in command of the Twelfth Regiment of Virginia Infantry.

Mr. B. W. Butler, a prominent attorney of Madison, Ga., was here yesterday examining the old records in the Clerk's office. He took occasion to tell the Clerk of his appreciation of the manner in which the records were kept, and their historical interest.

Mr. J. C. Lifsey, who has been very ill, is now improving.

There is a member of the Confederate camp here who is a veteran of the Mexican as well as of the civil war. He is now almost 87 years of age. His name is John T. Holloway.

Mr. E. Peyton Turner, Deputy Clerk of the courts, went to Brunswick to-day for much-needed recreation. He will be home again in a few days.

Judge Leonidas D. Yarrell, of this county, who now has a law office in Washington, D. C., has been here for several days.

HALIFAX COUNTY.

A Star Among Boarding-House Keepers.

HOUSTON, VA., July 9.—(Special)—Quite a little star has been caused in the town by the sudden discovery that all persons taking boarders are required by law to pay a State license. We now have licensed boarding-houses galore. Some of the landlords are wry.

As a result of the recent heavy rains the rivers are playing havoc with low-ground corn and other crops on the river bottoms. Banister river is higher than it has been for several years. It is reported here that three horses, the property of Z. T. Collins of this place, and a colt belonging to Mr. W. S. Brigs's son, were caught by the flood and drowned in the low-ground pasture of Mr. M. T. Lacy, about two miles from town. One horse was seen to swim out of the water this morning, and the other four cannot be found.

ITS TRACK.

The storm came from a southwesterly direction, and was moving northeast. Its track was sixty or seventy feet wide, and it swept everything before it. Corn, cotton, and peas were carried up to the ground, the loss in several hundred dollars. Dr. R. M. Lewis, the physician, suffered considerable loss. His crop was badly scattered, and two or three tenant-houses were blown down. Several colored persons were hurt in one of these. One colored man carried his wife and mother-in-law to a deep ditch near by and saved them, but his house was demolished. Mr. W. S. Brigs's barn and stables were blown away.

OF SHORT DURATION.

The storm lasted only about a minute, and was heard some time before it struck the ground. Persons some distance away thought it was the roar of a freight train. Some of the citizens of Scotland Neck heard the roar as the cloud passed. Mr. Peter E. Sims was caught in the storm, and it was thought that he was lost. Then trees fell thick and fast about him, and he can't see how he escaped with his horse and buggy uninjured.

Strangely enough Mr. Hardin, as soon as he saw the cyclone had passed, remarked to a friend with him that his wife was killed. He started for home, and when he reached the scene of the disaster his presentation was true.

Steel Manufacturers Fall.

PITTSBURGH, PA., July 9.—(Special)—Jennings Brothers & Co., Limited sheet-metal manufacturers, owning and operating mills in Allegheny and Leechburg, have confessed judgment to H. G. Wasson, in trust, for the benefit of creditors, to the amount of \$8,325. Operations will be suspended pending an effort to adjust the company's difficulties. It is believed that the creditors will not suffer loss.

Go to Have Schwane Indicted.

HOUSTON, VA., July 9.—(Special)—Ex-Deputy County-Clerk J. E. Grubbs, who was discharged some weeks ago on an accusation of suspected irregularities in connection with county and Commonwealth warrants, has disappeared. Grubbs has a wife and several interesting daughters, who have the sympathy of the entire community.

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